

MONDAY, APRIL 9, 1990

EIGHTY-EIGHTH LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker Murray.

The proceedings were opened with prayer by Rev. Carl Flatt, Saundersville United Methodist, Hendersonville, Tennessee.

Representative Randy Stamps led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 97

Representatives present were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 97.

MESSAGE FROM THE GOVERNOR

April 5, 1990

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 2585, 2662 and 2663; also, House Joint Resolution(s) No(s). 779; with his approval.

DAVID H. WELLES,
Counsel to the Governor.

ENROLLED BILLS

April 6, 1990

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill(s) No(s). 1291, 2041,

MONDAY, APRIL 9, 1990 -- EIGHTY-EIGHTH LEGISLATIVE DAY

2510, 2645, 2646, 2649, 2659, 2660, 2664 and 2668; House Resolution(s) No(s). 139, 140, 142, 143, 144, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 167, 168 and 169; also, House Joint Resolution(s) No(s). 780, 781, 782, 789, 790, 791, 792, 793, 794, 805, 823, 824, 825, 826, 827, 839 and 842; and find same correctly enrolled and ready for the signature(s) of the Speaker(s).

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

SIGNED
April 6, 1990

The Speaker announced that he had signed the following: House Bill(s) No(s). 1291, 2041, 2510, 2645, 2646, 2649, 2659, 2660, 2664 and 2668; House Joint Resolution(s) No(s). 780, 781, 782, 789, 790, 791, 792, 793, 794, 805, 823, 824, 825, 826, 827, 839 and 842; also, House Resolution(s) No(s). 139, 140, 142, 143, 144, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 167, 168 and 169.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

REGULAR CALENDAR

House Bill No. 1362 -- Tort Liability -- Creates presumption of reasonableness and necessity of medical expenses in certain civil actions; specifies time limit. Amends TCA, Title 62, Ch. 26.

Further consideration of House Bill No. 1362, previously considered on April 4, 1990, at which time it was reset to the Calendar for April 9, 1990.

Rep. Burnett moved that House Bill No. 1362 be re-referred to the Calendar and Rules Committee, which motion prevailed.

House Bill No. 2232 -- Gambling -- Includes futures and commodities trading within "lawful business transaction" exclusion to gambling laws. Amends TCA, Title 39, Ch. 17, Pt. 5.

Further consideration of House Bill No. 2232, previously considered on April 2, 1990, at which time it was reset to the Calendar for April 9, 1990.

Rep. Davis (Cocke) moved that House Bill No. 2232 be passed on third and final consideration.

Rep. Phillips moved to amend as follows:

MONDAY, APRIL 9, 1990 -- EIGHTY-EIGHTH LEGISLATIVE DAY

Amendment No. 1

Amend House Bill No. 2232 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section . Tennessee Code Annotated, Section 39-17-501, is amended by deleting subsection (3) in its entirety and substituting instead the following:

(3) "Gambling device or record" means anything specially designed for use in gambling and used for gambling and includes slot machines or any other device or machine with a pre-set automatic cash payout.

Rep. Davis (Cocke) moved that House Bill No. 2232 be reset to the Calendar for Wednesday, April 11, 1990, which motion prevailed.

House Bill No. 926 -- Workers' Compensation -- Requires inclusion of doctor of chiropractic for selection of physicians and surgeons in certain circumstances. Amends TCA 50-6-204.

Further consideration of House Bill No. 926, previously considered on April 17 and May 25, 1989, at which time it was re-referred to the Calendar and Rules Committee. On April 4, 1990 the Calendar and Rules Committee placed it on the Regular Calendar for April 9, 1990.

Rep. West moved that House Bill No. 926 be reset to the Calendar for Thursday, April 12, 1990, which motion prevailed.

House Bill No. 2398 -- Capitol -- Prohibits imposition of court costs for Capitol Hill parking and traffic violations. Amends TCA, Title 4, Ch. 8, Pt. 2.

On motion, House Bill No. 2398 was made to conform with Senate Bill No. 2475.

On motion, Senate Bill No. 2475, on same subject, was substituted for House Bill No. 2398.

Rep. West moved that Senate Bill No. 2475 be passed on third and final consideration.

Rep. West moved that Amendment No. 1 be withdrawn, which motion prevailed.

Rep. West moved that Senate Bill No. 2475 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	88
Noes.	6
Present and not voting.	1

MONDAY, APRIL 9, 1990 -- EIGHTY-EIGHTH LEGISLATIVE DAY

Representatives voting ~~aye~~ were: Anderson, Armstrong, Bell, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Clark, Coffey, Cole, Collier, Copeland, Grain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Givens, Good, Gunnels, Halteman, Hassell, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Stallings, Stamps, Starnes, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 88.

Representatives voting ~~no~~ were: Austin, Bittle, Chiles, Harrill, Scruggs, Sipes -- 16.

Representatives present and not voting were: Haun -- 1.

A motion to reconsider was tabled.

*House Joint Resolution No. 0599 -- Memorials, Government Officials -- Requests Public Service Commission to study natural and propane gas prices.

Rep. Winningham moved that House Joint Resolution No. 599 be adopted.

Rep. Robinson (Davidson) moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Joint Resolution No. 599 by deleting the period at the end of the first resolving clause and adding the following:

and any steps, including legislation, necessary to ensure the existence of a competitive market in LPP and propane gas.

On motion, Amendment No. 1 was adopted.

Rep. Robinson (Davidson) moved adoption of Transportation Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Joint Resolution No. 599 by deleting the words "the Public Service Commission to study" from the caption of the resolution and substituting instead the words "a study of".

MONDAY, APRIL 9, 1990 -- EIGHTY-EIGHTH LEGISLATIVE DAY

AND FURTHER AMEND by deleting the first, second, and third resolving clauses and substituting instead the following:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, That the chairman of the House Transportation Committee is requested to appoint or designate a subcommittee of the committee to study the market prices of LPP and propane gas to determine the feasibility of the regulation of such prices and to study the need by actions, including the introduction of legislation, that appears necessary or desirable to promote and ensure competition in the distribution of LPP and propane gas.

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted to the Honorable Robb Robinson, chairman of the House Transportation Committee.

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Winningham moved that House Joint Resolution No. 599, as amended, be adopted, which motion prevailed.

A motion to reconsider was tabled.

***Senate Joint Resolution No. 0526 --** Memorials, Government Officials -- Urges State Board of Education to take certain actions relative to school food service.

Rep. Winningham moved that Senate Joint Resolution No. 526 be concurred in, which motion prevailed.

A motion to reconsider was tabled.

***House Bill No. 2593 --** Day Care -- Permits Davidson County day care pilot program to serve less than 100 children. Amends Chapter 877, Public Acts of 1986.

On motion, House Bill No. 2593 was made to conform with Senate Bill No. 2626.

On motion, **Senate Bill No. 2626**, on same subject, was substituted for House Bill No. 2593.

Rep. Pruitt moved that **Senate Bill No. 2626** be passed on third and final consideration.

On motion, Rep. Starnes withdrew General Welfare Committee Amendment No. 1.

Rep. Starnes moved adoption of General Welfare Committee Amendment No. 2 as follows:

Amendment No. 1

Amend Senate Bill No. 2626 by deleting the following language:

"Section ____ . The department of human services shall evaluate the pilot program established by Chapter 877 of the Public Acts of 1986 and report its findings and recommendations to the select committee on children and youth by December 31, 1990. The day care programs operating under such pilot program shall prepare and present a joint report to the select committee on children and youth at the meeting in which the department of human services reports as provided in this section. The report from the day care programs shall include, but not be limited to, information on the number of children served, problems encountered under the pilot program, accomplishments achieved through the pilot program, and recommendations for continuation of or modifications to day care programs developed to provide high quality, affordable day care services for economically disadvantaged parents and guardians of minor children who are employed or seeking employment."

and by substituting instead the following:

"Section ____ . The department of human services shall evaluate the pilot program established by Chapter 877 of the Public Acts of 1986 and report its findings and recommendations to the general welfare, health and human resources committee of the senate and the general welfare committee of the house of representatives by January 21, 1991. The day care programs operating under such pilot program shall prepare and present a report to the committees at meetings in which the department of human services reports as provided in this section. The report from the day care programs shall include, but not be limited to, information on the number of children served, problems encountered under the pilot program, accomplishments achieved through the pilot program, and recommendations for continuation of or modifications to day care programs developed to provide high quality, affordable day care services for economically disadvantaged parents and guardians of minor children who are employed or seeking employment."

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Pruitt moved that Senate Bill No. 2626, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0

MONDAY, APRIL 9, 1990 -- EIGHTY-EIGHTH LEGISLATIVE DAY

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

***House Bill No. 1808 -- Education --** Permits criteria to withhold student records until certain debts are paid. Amends TCA 49-1-302.

On motion, House Bill No. 1808 was made to conform with Senate Bill No. 2109.

On motion, Senate Bill No. 2109, on same subject, was substituted for House Bill No. 1808.

Rep. Henry (Putnam) moved that Senate Bill No. 2109 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	91
Noes	2
Present and not voting	3

Representatives voting aye were: Anderson, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Good, Gunnels, Halteman, Harrill, Hassell, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 91.

Representatives voting no were: Armstrong, Givens -- 2.

MONDAY, APRIL 9, 1990 -- EIGHTY-EIGHTH LEGISLATIVE DAY

Representatives present and not voting were: Haun, Head, Purcell -- 3.

A motion to reconsider was tabled.

***Senate Bill No. 2055 -- Fund Raising -- Requires in kind contributions to be listed separately on disclosure statement. Amends TCA, Title 2.**

Further consideration of Senate Bill No. 2055, previously considered on April 4, 1990, at which time it was substituted for House Bill No. 1906, and reset to the Calendar for April 9, 1990.

Rep. Williams moved that Senate Bill No. 2055 be re-referred to the Calendar and Rules Committee, which motion prevailed.

Senate Bill No. 2255 -- Planning, Public -- Removes requirements for prerequisites to granting certain building permits. Amends TCA 13-4-388.

Further consideration of Senate Bill No. 2255, previously considered on April 4, 1990, at which time it was substituted for House Bill No. 2093 and reset to the Calendar for April 9, 1990.

Rep. Wheeler moved that Senate Bill No. 2255 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	98
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 98.

A motion to reconsider was tabled.

House Bill No. 2560 -- Taxes, Real Property -- Enacts "Beneficial Use Tax Act of 1990". Amends TCA, Title 67, Ch. 4, Pt.

MONDAY, APRIL 9, 1990 -- EIGHTY-EIGHTH LEGISLATIVE DAY

5; Title 67, Ch. 5, Pt. 2.

Further consideration of House Bill No. 2560, previously considered on April 4, 1990, at which time Amendment(s) No(s). 1 and 2 were adopted it was reset to the Calendar for April 9, 1990.

Rep. Wheeler moved that House Bill No. 2560 be reset to the Calendar for Wednesday, April 11, 1990, which motion prevailed.

House Bill No. 2158 -- Taxes, Sales -- Limits exemption for sales and use tax exemption on motor vehicles purchased by nonresident military personnel under certain circumstances. Amends TCA 67-6-303.

Further consideration of House Bill No. 2158, previously considered on April 4, 1990, at which time it was reset to the Calendar for April 9, 1990.

On motion, House Bill No. 2158 was made to conform with Senate Bill No. 2331.

On motion, Senate Bill No. 2331, on same subject, was substituted for House Bill No. 2158.

Rep. Ussery moved that Senate Bill No. 2331 be passed on third and final consideration.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 1.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

Amendment No. 1

Amend Senate Bill No. 2331 by deleting from the amendatory language of Section 1 the following words:

"if such vehicle is registered in the county of residence in this state in accordance with provisions of Title 55 and all applicable motor vehicle taxes imposed pursuant to Section 5-8-102 are satisfied"

and substituting instead the following words:

if such vehicle is registered in this state in accordance with provisions of Title 55

On motion, Amendment No. 1 was adopted.

Rep. Shirley moved to amend as follows:

Amendment No. 2

Amend Senate Bill No. 2331 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section ____.

(a) Tennessee Code Annotated, Title 67, Chapter 6, is amended by deleting part 3 in its entirety.

(b) The provisions of this section shall take effect July 1, 1990, the public welfare requiring it.

Rep. Burnett moved that Amendment No. 2 be tabled, which motion prevailed.

Thereupon, Rep. Ussery moved that Senate Bill No. 2331, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	92
Noes.	1
Present and not voting.	1

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Givens, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 92.

Representatives voting no were: Gunnels -- 1.

Representatives present and not voting were: Turner, L. (Shelby) -- 1.

A motion to reconsider was tabled.

MOTION TO RECONSIDER

Rep. Burnett moved to lift from the table the motion to reconsider Senate Bill No. 2109, which motion prevailed.

MONDAY, APRIL 9, 1990 -- EIGHTY-EIGHTH LEGISLATIVE DAY

Senate Bill No. 2109 -- Education -- Permits criteria to withhold student records until certain debts are paid. Amends TCA 49-1-302.

Rep. Burnett moved to reconsider our action in passing Senate Bill No. 2109, which motion prevailed.

Rep. Burnett moved that Senate Bill No. 2109 be reset by special order to the Calendar for Wednesday, April 11, 1990, which motion prevailed.

REGULAR CALENDAR, CONTINUED

***House Bill No. 1758 -- Mental Retardation --** Changes name to "Tennessee Local Development Authority Mental Health and Mental Retardation Facilities Act of 1990". Amends TCA, Title 4, Ch. 31.

Rep. Bragg moved that House Bill No. 1758 be passed on third and final consideration.

Rep. Starnes moved adoption of General Welfare Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 1758 by inserting the following at the end of the amendatory language of Section 1:

Section _____. The general assembly finds and declares that the provision of care, rehabilitation, and treatment for mental illness, mental retardation, or alcohol or drug abuse or dependency is a public purpose. The general assembly further finds and declares that, to the extent that financing the construction of facilities used in connection with the provision of mental health, mental retardation, and alcohol and drug programs and services can be accomplished less expensively through the pooling together of needs and the use of less costly borrowing techniques, providers of such programs and services would be better able to construct these facilities and to provide essential programs and services for the benefit of the citizens of the State. It is accordingly in furtherance of the interests and welfare of all Tennesseans that the Tennessee local development authority be empowered to issue its revenue bonds and to make the proceeds available for loans to mental health, mental retardation, and alcohol and drug facilities for capital projects, at interest rates lower than would otherwise be obtainable from private industry. It is intended that the Tennessee local development authority be vested with all powers necessary to accomplish these purposes.

Section _____. Definitions. As used in this part unless the context requires otherwise, terms shall have the

following meanings:

"Construction" means construction, acquisition, reconstruction, improvement, equipping, furnishing, bettering, or extension of a facility, including paying engineering, fiscal, architectural and legal expenses incurred in connection therewith.

"Project" means the facility or portion of a facility the construction of which is being financed or refinanced by a loan pursuant to this part.

"Facility" means facility as defined in Tennessee Code Annotated, Section 33-2-502(1)(A).

"Grantee" means a nonprofit, 501(c)(3) corporation which is licensed under T.C.A. Sections 33-2-502 et seq., which is under a grant contract with the department, and which has the primary purpose of delivering mental health, mental retardation, or alcohol and drug services.

"Department" means the department of mental health and mental retardation.

"Commissioner" means the commissioner of department of mental health and mental retardation.

Section _____. In addition to the powers otherwise granted by law, the authority shall have the power and is authorized to issue and sell bonds and notes, the proceeds of which may be used to make loans to any grantee for the construction or the refinancing of the construction of a facility pursuant to a loan agreement between the grantee, the department, and the authority. Such loans shall be made from the proceeds of bonds or notes issued by the authority for the purpose of making such loans.

Section _____. The authority shall establish a repayment schedule to be made by a grantee under a loan agreement. Such repayments shall be in such amounts as will be at least sufficient, together with other funds available therefor, to pay the principal of, and interest on, authority bonds and notes issued for the purpose of providing loans pursuant to this part and as may be necessary for the authority to maintain a reserve for debt service and to pay costs of administration.

Section _____. Bonds or notes issued pursuant to the provisions of this part shall not be issued and sold as part of an issue of bonds or notes of the authority issued pursuant to any other provision of this chapter or law. The authority shall not issue bonds and notes under this part in an aggregate principal amount at any one time outstanding exceeding fifty million dollars (\$50,000,000),

excluding bonds or notes for the payment of redemption of which there has been or will be set aside and held in trust either moneys or direct and general obligations of, or obligations guaranteed by, the United States of America, or obligations secured by such obligations, or any combination thereof, which are or will be sufficient to pay when due the principal or applicable redemption price and all accrued interest thereon and, if such bonds or notes are to be redeemed, for which notice of redemption has been given or satisfactory provision has been made for the giving of such notice.

Each issue of its notes or bonds issued pursuant to the provisions of this part shall be limited special obligations of the authority payable solely from and secured by amounts derived by the authority from loans made pursuant to this part.

At the end of each calendar year the authority shall certify to the governor and the commissioner the amount of the deficiency, if any, in the debt service reserve account for bonds and notes issued pursuant to this part. The commissioner shall transfer to the authority the amount of such deficiency from state funds appropriated to the department by the general assembly.

Section _____. The authority shall administer loans made under the provision of this part. In so doing, the authority may adopt rules and regulations necessary for the effective administration of this part.

The loan agreements into which the authority enters with grantees may include such provisions as may be agreed upon by the authority and the grantees and shall include an agreement by the grantee to proceed expeditiously with, and to complete, the project in accordance with the loan agreement; to pledge any available sources of revenues, income, and charges and to make payments according to the repayment schedule; to authorize the commissioner of finance and administration in the event of a failure by the grantee to make a timely payment of amounts due under a loan agreement to withhold grant funds pursuant to this part; to establish and maintain adequate financial records for the project, including maintaining an inventory, to cause to be made an annual audit of the financial records and transactions covering each fiscal year in accordance with generally accepted government auditing standards, and to furnish a copy of such audits to the state comptroller; to prepare and submit a plan of operation as required by this part; to operate the project in accordance with law; to reapply for or renegotiate its grant with the department for so long as the loan with the authority is outstanding; not to contract with any other entity, nonprofit corporation, corporation for profit, private person or firm for the operation of the facility without prior written

permission of both the department and the authority.

The authority shall have the right to enter into further agreements with a grantee and require such further guarantees or securities as it may see fit prior to, or simultaneously with, the issuance of bonds or to refuse to issue bonds until such agreements or securities, in any form which the authority may elect, are agreed to or are obtained.

The form of loan agreement is subject to the approval by the attorney general as to form; each loan agreement is subject to approval by the commissioner of finance and administration as to funding. All pay requests shall be on vouchers approved by the authority, and payments to grantees shall be subject to audit at any time.

The authority shall require any type of security that it deems reasonable and necessary, including but not limited to a lien (deed of trust or mortgage) and the project; the authority shall be exempt from payment of filing fees or indebtedness tax which would otherwise be due in connection with the perfection of the authority's lien.

Section _____. In the event any grantee having entered into a loan agreement shall fail to remit funds in accordance with the annual repayment schedule established by the authority, the commissioner of finance and administration shall deliver by certified mail or other means of verified delivery written notice of such failure to the grantee within five (5) business days of such failure. In the event the grantee shall fail to remit the amount set forth in the notice within ten (10) business days of the receipt of the notice, the commissioner of finance and administration shall, without further authorization, withhold such sum or part of such sum from any state grant funds which are otherwise available to such grantee for the benefit of the authority. A grantee shall have no claims to grant funds withheld as permitted under the terms of this part.

Section _____. The authority shall have the right, in addition to all other rights, by appropriate suit, action or proceeding in any court of competent jurisdiction, to require the grantee, its governing body, or any proper officer, agent or employee to carry out any agreements and to perform its and their duties under this part or under any rule or regulation of the authority adopted pursuant thereto.

Section _____. Prior to the issuance of bonds or notes pursuant to this part, the commissioner shall file with the authority a certificate to the effect that the project to be financed from the proceeds of such bonds or notes

constitutes a facility in accordance with T.C.A. Section 33-2-502(1)(A); that assisting the grantee in financing such project is in furtherance of the public purpose of the provision of mental health, mental retardation, and alcohol and drug programs and services; and that the costs of the project are reasonable and the revenues of the grantee will be sufficient to cover the costs of operation and maintenance of the facility, including depreciation and debt service. Such certificate by the commissioner shall be conclusive evidence that the projects to be financed from the proceeds of such bonds or notes are facilities which may properly be financed from the proceeds of such bonds or notes; however, such certificate shall not constitute a guarantee of the success of the project or of the loan obligation of the grantee.

Section ____.

(a) At least ninety (90) days prior to the beginning of each state fiscal year, the grantee shall submit a plan of operation for review and approval to the Commissioners of Mental Health and Mental Retardation and Finance and Administration and the Comptroller of the Treasury. The plan of operation shall be in such form as may be required by the department and shall include, but not be limited to:

(1) A budget for operating and capital expenditures;

(2) Contracts for services;

(3) Appropriate policies and procedures adopted by the grantee to govern the expenditure of funds; and

(4) Other items as required by the department through rules and regulations.

(b) The plan of operation may be amended during a fiscal year with the written approval of the Commissioners of Mental Health and Mental Retardation and Finance and Administration and the Comptroller of the Treasury.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Bragg moved that House Bill No. 1758, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	97
Noes	0

MONDAY, APRIL 9, 1990 -- EIGHTY-EIGHTH LEGISLATIVE DAY

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 97.

A motion to reconsider was tabled.

House Bill No. 2059 -- Financial Disclosure -- Broadens scope of information required under conflict of interest disclosure law. Amends TCA, Title 2, Ch. 10; Title 3, Ch. 6; Title 8, Ch. 50, Pt. 5.

On motion, House Bill No. 2059 was made to conform with Senate Bill No. 2260.

On motion, **Senate Bill No. 2260**, on same subject, was substituted for House Bill No. 2059.

Rep. Kisber moved that **Senate Bill No. 2260** be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 2260 by deleting Section 1 in its entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 8-50-505, is amended by deleting from the first sentence the language "The registry of election finance" and by substituting instead the language "The registry of election finance and the appropriate county election registrar".

AND FURTHER AMEND by adding before the effective date section the following new sections and by renumbering the effective date section accordingly:

SECTION ____. Tennessee Code Annotated, Section 2-10-107, is amended by adding the following new appropriately lettered subsection:

() An "in kind contribution" shall be reportable when the contribution is received.

Section ____ Tennessee Code Annotated, Section 2-6-105, is amended by deleting subsection (b) in its entirety.

SECTION ____ Tennessee Code Annotated, Section 2-10-111(a), is amended by deleting the language "2-10-103(a)(4)", and by substituting instead the language "2-10-206(3)".

SECTION ____ Tennessee Code Annotated, Section 2-10-111(a), is further amended by adding the following language at the end of the subsection:

Any person making an inspection of such files, statements or records shall present evidence of identification and state the name of the person or organization he represents, if any.

Rep. Rhinehart moved the previous question, which motion prevailed.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Kisber moved that Senate Bill No. 2260, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Nicoley, Nuber, Odom, Peroutas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Sipes, Stallings, Stamps, Starnes, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

*House Bill No. 1693 -- Public Contracts -- Revises multi-step sealed bidding. Amends TCA 12-3-203.

MONDAY, APRIL 9, 1990 -- EIGHTY-EIGHTH LEGISLATIVE DAY

On motion, House Bill No. 1693 was made to conform with Senate Bill No. 1811.

On motion, Senate Bill No. 1811, on same subject, was substituted for House Bill No. 1693.

Rep. Copeland moved that Senate Bill No. 1811 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Duer, Gaia, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

A motion to reconsider was tabled.

House Bill No. 1747 -- Criminal Offenses -- Expands offense of malicious harassment; creates civil cause of action for malicious harassment. Amends TCA, Title 4, Ch. 21, 39-17-313.

On motion, House Bill No. 1747 was made to conform with Senate Bill No. 1611.

On motion, Senate Bill No. 1611, on same subject, was substituted for House Bill No. 1747.

Rep. DePriest moved that Senate Bill No. 1611 be passed on third and final consideration.

Rep. DePriest moved that Amendment No. 1 be withdrawn, which motion prevailed.

Rep. DePriest moved that Senate Bill No. 1611 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

MONDAY, APRIL 9, 1990 -- EIGHTY-EIGHTH LEGISLATIVE DAY

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

A motion to reconsider was tabled.

***House Bill No. 2549 -- Mental Illness --** Creates position of liaison coordinator for supportive living facilities. Amends TCA, Title 33.

On motion, House Bill No. 2549 was made to conform with Senate Bill No. 2569.

On motion, Senate Bill No. 2569, on same subject, was substituted for House Bill No. 2549.

Rep. Dixon moved that Senate Bill No. 2569 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

A motion to reconsider was tabled.

MONDAY, APRIL 9, 1990 -- EIGHTY-EIGHTH LEGISLATIVE DAY

***House Bill No. 1832 -- Criminal Procedure --** Revises provisions relative to property forfeited under RICO. Amends TCA, Title 39, Ch. 12.

Rep. Burnett moved that House Bill No. 1832 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 1832 by deleting from the directory language of Section 1 the language "Tennessee Code Annotated, Section 39-12-106" and by substituting instead the language "Tennessee Code Annotated, Section 39-12-206".

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Burnett moved that House Bill No. 1832, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Givens, Good, Gunnels, Halteman, Harrill, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

***House Bill No. 1805 -- Evidence --** Revises evidence standard for medical expenses in civil actions. Amends TCA 24-5-113.

Rep. Buck moved that House Bill No. 1805 be reset to the next available space on the Calendar for Wednesday, April 11, 1990, which motion prevailed.

MONDAY, APRIL 9, 1990 -- EIGHTY-EIGHTH LEGISLATIVE DAY

***House Bill No. 2528 -- Museums --** Authorizes sale of alcoholic beverages in restaurant located on premises. Amends TCA 57-4-101.

On motion, House Bill No. 2528 was made to conform with Senate Bill No. 2559.

On motion, Senate Bill No. 2559, on same subject, was substituted for House Bill No. 2528.

Rep. Williams moved that Senate Bill No. 2559 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	51
Noes.	35
Present and not voting.	2

Representatives voting aye were: Bittle, Bivens, Buck, Burnett, Cain, Chiles, Clark, Cole, Crain, Cross, Davis (Cocke), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Givens, Henry (Roane), Hillis, Holt, Hubbard, Huskey, Jones, R. (Shelby), Kent, Kernell, Kisber, Love, Moody, Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Peroulas, Phillips, Pruitt, Purcell, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Starnes, Turner, L. (Shelby), Webb, West, Wheeler, Williams, Wix, Yelton, Mr. Speaker Murray -- 51.

Representatives voting no were: Anderson, Armstrong, Austin, Bell, Bragg, Burchfield, Byrd, Callicott, Coffey, Copeland, Curlee, Davidson, Davis (Gibson), Gunnels, Halteman, Harrill, Head, Henry (Putnam), Herron, Hobbs, Holcomb, Jackson, McAfee, McDaniel, Moore (Lawrence), Odom, Pinion, Rhinehart, Ridgeway, Sipes, Stallings, Stamps, Turner, C. (Shelby), Wolfe, Wood -- 35.

Representatives present and not voting were: Good, Whitson -- 2.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from present not voting to aye on Senate Bill No. 2559 and have this statement entered in the Journal.

Rep. Ulysses Jones, Jr.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from present not voting to no on Senate Bill No. 2559 and have this statement entered in the Journal.

Rep. Les Winningham

MONDAY, APRIL 9, 1990 -- EIGHTY-EIGHTH LEGISLATIVE DAY

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from yes to no on Senate Bill No. 2559 and have this statement entered in the Journal.

Rep. Harold Holt

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from yes to no on Senate Bill No. 2559 and have this statement entered in the Journal.

Rep. Floyd Crain

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from yes to no on Senate Bill No. 2559 and have this statement entered in the Journal.

Rep. Jerry Cross

REGULAR CALENDAR, CONTINUED

*House Bill No. 1727 -- Statutes -- Revises TCA citations; clarifies language concerning limitation of certain civil actions. Amends TCA, Title 28, Ch. 3, Pt. 1.

Rep. Sipes moved that House Bill No. 1727 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 1727 by deleting Sections 2 and 3 and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 28-3-104, is amended by adding to subsection (a) the words "or licensed public accountants or certified public accountants" between the words "suits against attorneys" and "for malpractice".

SECTION 3. This act shall take effect July 1, 1990, the public welfare requiring it, and shall only apply to causes of action arising on or after July 1, 1990.

MONDAY, APRIL 9, 1990 -- EIGHTY-EIGHTH LEGISLATIVE DAY

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Sipes moved that **House Bill No. 1727**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	98
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 98.

A motion to reconsider was tabled.

House Bill No. 1889 -- Adoption -- Creates a waiver of interest in terminating rights of the father in certain adoption proceedings. Amends TCA, Title 36, Ch. 1, Pt. 1.

On motion, House Bill No. 1889 was made to conform with Senate Bill No. 2277.

On motion, **Senate Bill No. 2277**, on same subject, was substituted for House Bill No. 1889.

Rep. Halteman moved that **Senate Bill No. 2277** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	97
Noes.	0
Present and not voting.	1

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell,

MONDAY, APRIL 9, 1990 -- EIGHTY-EIGHTH LEGISLATIVE DAY

King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 97.

Representatives present and not voting were: Nuber -- 1.

A motion to reconsider was tabled.

***House Bill No. 2503 -- Environmental Preservation -- Requires labeling of certain plastic products.**

On motion, House Bill No. 2503 was made to conform with Senate Bill No. 2542.

On motion, Senate Bill No. 2542, on same subject, was substituted for House Bill No. 2503.

Rep. Halteman moved that Senate Bill No. 2542 be passed on third and final consideration.

On motion, Rep. Hillis withdrew Conservation and Environment Committee Amendment No. 1.

Rep. Halteman moved that Senate Bill No. 2542 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	97
Noes.	0
Present and not voting.	1

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 97.

Representatives present and not voting were: Turner, L. (Shelby) -- 1.

MONDAY, APRIL 9, 1990 -- EIGHTY-EIGHTH LEGISLATIVE DAY

A motion to reconsider was tabled.

***House Bill No. 1640 -- Telecommunications -- Prohibits automatic dialing alarm usage of 911 number. Amends TCA, Title 7, Ch. 86.**

On motion, House Bill No. 1640 was made to conform with Senate Bill No. 1797.

On motion, **Senate Bill No. 1797**, on same subject, was substituted for House Bill No. 1640.

Rep. Hubbard moved that **Senate Bill No. 1797** be passed on third and final consideration.

On motion, Rep. Starnes withdrew General Welfare Committee Amendment No. 1.

Rep. Hubbard moved that **Senate Bill No. 1797** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Anderson, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Givens, Good, Gunneley, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 97.

A motion to reconsider was tabled.

**MESSAGE FROM THE SENATE
April 9, 1990**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1630 and 2684; passed by the Senate.

**CLYDE W. McCULLOUGH, JR.,
Chief Clerk.**

MONDAY, APRIL 9, 1990 -- EIGHTY-EIGHTH LEGISLATIVE DAY

***Senate Bill No. 1630 -- Psychologists --** Revises oversight by board of examiners in psychology; authorizes certification of specialties. Amends TCA 63-11-208.

Senate Bill No. 2684 -- Judges and Chancellors -- Exempts Maury County from certain requirements in filling general sessions judge vacancies. Amends Chapter 637, Public Acts of 1990.

CONSENT CALENDAR

***House Bill No. 2608 -- Taxes, Real Property --** Authorizes county trustee of Dyer County to accept partial payments of property taxes in certain circumstances. Amends TCA, Title 67, Ch. 5, Pt. 18.

On motion, House Bill No. 2608 was made to conform with Senate Bill No. 2639.

On motion, Senate Bill No. 2639, on same subject, was substituted for House Bill No. 2608.

***House Bill No. 2653 -- Election Laws --** Requires only computer printout at polling place in lieu of both printout and duplicate registration records if requested by county legislative body by resolution of Tipton, Dyer, Fayette or Crockett counties. Amends TCA 2-5-216.

House Bill No. 0820 -- Handicapped Persons -- Prohibits housing discrimination on basis of handicap or "familial status"; requires accessibility to handicapped of certain multi-family dwellings. Amends TCA, Title 4, Ch. 21.

***House Bill No. 2471 -- Municipal Government --** Makes expanded board provisions for certain municipal housing authorities applicable only to municipalities located in certain counties. Amends TCA 13-20-415.

On motion, House Bill No. 2471 was made to conform with Senate Bill No. 2469.

On motion, Senate Bill No. 2469, on same subject, was substituted for House Bill No. 2471.

House Bill No. 1330 -- Education -- Prohibits discrimination against certain students who receive hospital or homebound instruction. Amends TCA, Title 49.

On motion, House Bill No. 1330 was made to conform with Senate Bill No. 558.

On motion, Senate Bill No. 558, on same subject, was substituted for House Bill No. 1330.

***House Bill No. 2639 -- Utilities, Utility Districts --** Provides

MONDAY, APRIL 9, 1990 -- EIGHTY-EIGHTH LEGISLATIVE DAY

for popular election of board of commissioners of certain utility districts in Gibson County. Amends TCA, Title 7.

On motion, House Bill No. 2639 was made to conform with Senate Bill No. 2667.

On motion, Senate Bill No. 2667, on same subject, was substituted for House Bill No. 2639.

***House Bill No. 2635 -- Utilities, Utility Districts --** Increases number of positions on board of commissioners for water utility districts in Carter County. Amends TCA 7-82-307.

On motion, House Bill No. 2635 was made to conform with Senate Bill No. 2669.

On motion, Senate Bill No. 2669, on same subject, was substituted for House Bill No. 2635.

***Senate Bill No. 1084 -- Driver Licenses --** Extends certain privileges to persons holding hardship licenses. Amends TCA 55-50-102.

***Senate Joint Resolution No. 0457 -- Highway Signs --** Designates certain portion of State Highway 25W as "Lonas B. Chapman Memorial Highway".

House Bill No. 2302 -- Hospitals and Health Care Facilities -- Changes "nursing home administrator" to "representative of nursing home industry". Amends TCA 68-11-104, 68-11-203, 68-16-102.

House Bill No. 2216 -- Social Workers -- Establishes continuing education requirements for master social workers and independent social work practitioners; modifies certain duties of confidentiality. Amends TCA, Title 63, Ch. 23, Pt. 1.

On motion, House Bill No. 2216 was made to conform with Senate Bill No. 2353.

On motion, Senate Bill No. 2353, on same subject, was substituted for House Bill No. 2216.

***House Bill No. 2572 -- Law Enforcement --** Permits mutual agreements for law enforcement between Tennessee and other states and federal government. Amends TCA 6-54-307; Title 12, Ch. 9, Pt. 1.

On motion, House Bill No. 2572 was made to conform with Senate Bill No. 2579.

On motion, Senate Bill No. 2579, on same subject, was substituted for House Bill No. 2572.

***House Joint Resolution No. 0770 -- Highway Signs --** Provides for placement of directional signs for TVA Raccoon Mountain Project and Reflection Riding.

MONDAY, APRIL 9, 1990 -- EIGHTY-EIGHTH LEGISLATIVE DAY

***House Bill No. 2603 -- Utilities, Utility Districts --** Redefines "customers" for purposes of electing water utility district commissioners in Scott County. Amends TCA, Title 7, Ch. 8, Pt. 3.

On motion, House Bill No. 2603 was made to conform with Senate Bill No. 2632.

On motion, Senate Bill No. 2632, on same subject, was substituted for House Bill No. 2603.

***House Bill No. 2628 -- Gas, Petroleum Products, Volatile Oils --** Deletes provision that repeals spacing between oil and gas wells in Pickett County. Amends TCA 80-1-106.

***House Joint Resolution No. 0743 -- Memorials, Recognition --** Commends Women's Demonstration Project of Nashville; directs state agencies to provide assistance and encouragement.

***House Joint Resolution No. 0744 -- Memorials, Government Officials --** Directs utilization of more black owned firms when contracting for advertising, publishing and marketing services.

***House Joint Resolution No. 0665 -- Memorials, Government Officials --** Encourages MDHA to establish a program of resident managers for public housing.

House Joint Resolution No. 0783 -- Naming and Designating -- Designates Michael Sloan as official Tennessee Artist in Residence.

House Bill No. 2495 -- District Attorneys -- Creates additional district attorney general position for 16th judicial district. Amends TCA 16-2-506.

On motion, House Bill No. 2495 was made to conform with Senate Bill No. 2434.

On motion, Senate Bill No. 2434, on same subject, was substituted for House Bill No. 2495.

***House Bill No. 1701 -- Public Printing --** Revises duties of state publications committee.

***House Bill No. 2656 -- Judges and Chancellors --** Exempts Maury County from certain requirements in filling general sessions judge vacancies. Amends Chapter 637, Public Acts of 1990.

On motion, House Bill No. 2656 was made to conform with Senate Bill No. 2684.

On motion, Senate Bill No. 2684, on same subject, was substituted for House Bill No. 2656.

***House Bill No. 2651 -- Election Laws --** Requires only computer printout at polling place in lieu of both printout and duplicate

MONDAY, APRIL 9, 1990 -- EIGHTY-EIGHTH LEGISLATIVE DAY

registration records if requested by resolution of county legislative body of McMinn County. Amends TCA 2-5-216.

House Bill No. 2149 -- Psychologists -- Revises oversight by board of examiners in psychology; authorizes certification of specialties. Amends TCA 63-11-208.

***Senate Joint Resolution No. 0517 -- General Assembly, Confirmation of Appointment --** Confirms appointment of Earnest Deavenport, Jr. to State Board of Education.

***Senate Joint Resolution No. 0518 -- General Assembly, Confirmation of Appointment --** Confirms appointment of John Rankin Morgan to State Board of Education.

***Senate Joint Resolution No. 0519 -- General Assembly, Confirmation of Appointment --** Confirms appointment of Rita Mullins to State Certification Commission.

***Senate Joint Resolution No. 0520 -- General Assembly, Confirmation of Appointment --** Confirms appointment of Norma Nutter to State Certification Commission.

***Senate Joint Resolution No. 0521 -- General Assembly, Confirmation of Appointment --** Confirms appointment of Nancy Overton to State Certification Commission.

***Senate Joint Resolution No. 0522 -- General Assembly, Confirmation of Appointment --** Confirms appointment of Musette Sprunt Morgan to State Board of Education.

***House Bill No. 2336 -- Highway Signs --** Designs large portion of I-40 as "Troy A. McGill Memorial Interstate Highway".

On motion, House Bill No. 2336 was made to conform with Senate Bill No. 2447.

On motion, Senate Bill No. 2447, on same subject, was substituted for House Bill No. 2336.

***Senate Joint Resolution No. 0458 -- Highway Signs --** Designates certain bridge on I-275 in Knox County as "Albert J. Henkel Bridge".

***House Resolution No. 0098 -- General Assembly, Review Or Ratification of Rules --** Ratifies amendments and revisions to Rules of Civil Procedure promulgated by Supreme Court.

***House Resolution No. 0100 -- General Assembly, Review Or Ratification of Rules --** Ratifies amendments and revisions to Rules of Appellate Procedure promulgated by the Supreme Court.

***Senate Joint Resolution No. 0483 -- Naming and Designating --** Names National Guard Armory in Nashville the "Clement/Nunnally National Guard Armory".

MONDAY, APRIL 9, 1990 -- EIGHTY-EIGHTH LEGISLATIVE DAY

Senate Joint Resolution No. 0577 -- Naming and Designating --
Designates April 22-28, 1990 as "Victim Rights Week".

***Senate Joint Resolution No. 0431 -- Highway Signs --** Designates certain parkway in Clarksville as "101st Airborne (Air Assault) Parkway".

House Resolution No. 0173 -- Memorials, Interns -- Honors Carla Sue Butler, 1990 legislative intern.

House Resolution No. 0174 -- Memorials, Recognition -- Honors William E. Todd of Memphis.

House Resolution No. 0175 -- Memorials, Interns -- Honors Angela R. Kirkpatrick, 1990 legislative intern.

House Joint Resolution No. 0855 -- Memorials, Retirement --
Honors Don Abbott on his retirement from grocery business in Townsend.

House Joint Resolution No. 0856 -- Memorials, Condolence --
Honors memory of Paul Arnold Oot.

House Joint Resolution No. 0857 -- Memorials, Sports -- Honors Coach Joe Sims and Celina High School girls' basketball team, TSSAA Region 3 A champs.

House Joint Resolution No. 0858 -- Memorials, Sports -- Honors Eric Mitchell, Class A Mr. Basketball.

House Joint Resolution No. 0859 -- Memorials, Public Service --
Honors President Mike Collins and Resource Valley for contributions to East Tennessee.

House Joint Resolution No. 0861 -- Memorials, Personal Achievement -- Congratulates Johnna Hilliard, Salutatorian of Dresden High School.

House Joint Resolution No. 0862 -- Memorials, Personal Achievement -- Congratulates Michael Wilson, 1990 Valedictorian of Dresden High School.

House Joint Resolution No. 0863 -- Memorials, Personal Achievement -- Honors Benjamin Richard Brewster on attaining rank of Eagle Scout.

House Joint Resolution No. 0864 -- Memorials, Personal Achievement -- Congratulates Eric Corbin on attaining Eagle Scout award.

House Joint Resolution No. 0865 -- Memorials, Personal Achievement -- Congratulates Anthony Turner, Salutatorian of Westview High School.

House Joint Resolution No. 0866 -- Memorials, Personal

MONDAY, APRIL 9, 1990 -- EIGHTY-EIGHTH LEGISLATIVE DAY

Achievement -- Congratulates Carrie Sieber, Valedictorian of Westview High School.

House Joint Resolution No. 0867 -- Memorials, Personal Achievement -- Honors Amy Scott, 1990 Valedictorian of West Carroll High School.

House Joint Resolution No. 0868 -- Memorials, Personal Achievement -- Honors Kristi Travis, 1990 Salutatorian of West Carroll High School.

House Joint Resolution No. 0869 -- Memorials, Personal Occasion -- Celebrates B. L. Hale Centennial.

House Joint Resolution No. 0870 -- Memorials, Public Service -- Honors Lee Duke.

House Joint Resolution No. 0872 -- Memorials, Public Service -- Honors Dr. Harlington Hanna, Jr.

House Joint Resolution No. 0873 -- Memorials, Retirement -- Recognizes Jerry Miller West on his retirement from Naval Reserves after 36 years.

House Bill No. 2626 -- White Pine -- Extends term of office of mayor and aldermen. Amends Chapter 309, Private Acts of 1915, as amended.

On motion, House Bill No. 2626 was made to conform with Senate Bill No. 2655.

On motion, Senate Bill No. 2655, on same subject, was substituted for House Bill No. 2626.

House Bill No. 2627 -- Madisonville -- Changes term of city recorder. Amends Chapter 663, Private Acts of 1911, as amended.

House Bill No. 2676 -- Dyersburg -- Revises charter relative to purchases using or encumbering municipal funds. Amends Chapter 410, Acts of 1903, as amended.

House Bill No. 2677 -- Athens -- Revises charter. Amends Chapter 455, Private Acts of 1953, as amended.

House Bill No. 2678 -- Madison County -- Establishes office of juvenile court clerk.

House Bill No. 2679 -- Lawrence County -- Prohibits location of solid waste disposal facilities from other counties or cities unless the county legislative body approves such facilities.

House Bill No. 2680 -- Lewis County -- Prohibits location of solid waste disposal facilities from other counties or cities unless the county legislative body approves such facilities.

MONDAY, APRIL 9, 1990 -- EIGHTY-EIGHTH LEGISLATIVE DAY

House Bill No. 2682 -- Robertson County -- Levies hotel motel tax.

House Bill No. 2684 -- Sullivan County -- Revises compensation and authority of county attorney. Amends Chapter 809, Private Acts of 1935, as amended.

House Resolution No. 0170 -- Memorials, Retirement -- Honors James "Peanut" Griffith.

House Resolution No. 0172 -- Memorials, Interns -- Honors Rhonda Marie Dodds, 1990 legislative intern.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Bill No. 2149 was objected to by Rep. Holcomb.

House Bill No. 2682 was objected to by Rep. Davidson.

House Bill No. 2680, 2679, 2651; House Joint Resolution No. 744; also, House Bill(s) No(s). 2653 and 820 was/were objected to by Rep. Chiles.

House Bill No. 2302 was objected to by Rep. Stamps.

Under the rules, House Bill(s) No(s). 2149, 2682, 2680, 2679, 2651, 2653, 820 and 2302; also, House Joint Resolution(s) No(s). 744 was/were placed at the foot of the calendar for Wednesday, April 11, 1990.

Pursuant to Rule No. 50, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, that all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Givens, Good, Gunnels, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love,

MONDAY, APRIL 9, 1990 -- EIGHTY-EIGHTH LEGISLATIVE DAY

McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from not voting to yes on Consent Calendar and have this statement entered in the Journal.

Rep. Beth Halteman

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from not voting to yes on Consent Calendar and have this statement entered in the Journal.

Rep. Randy Stamps

REGULAR CALENDAR, CONTINUED

House Bill No. 2368 -- Civil Procedure -- Authorizes civil penalties for shoplifting. Amends TCA, Title 39.

Rep. R. Jones moved that House Bill No. 2368 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2368 by deleting from the first sentence of subsection (a) of the amendatory language of Section 1 the words "In addition to" and substituting instead the words "In lieu of".

AND FURTHER AMEND by deleting from subsection (a) of the amendatory language of Section 1 subdivision (1)(C) in its entirety and substituting instead the following new subdivision:

(C) An amount twice the listed retail price of the merchandise if the merchant recovers the merchandise in the same condition it was in prior to the conversion.

MONDAY, APRIL 9, 1990 -- EIGHTY-EIGHTH LEGISLATIVE DAY

AND FURTHER AMEND by deleting from subsection (a) of the amendatory language of Section 1 subdivision (2)(C) in its entirety and substituting instead the following new subdivision:

(C) An amount twice the listed retail price of the merchandise if the merchant recovers the merchandise in the same condition it was in prior to the conversion.

AND FURTHER AMEND by renumbering Section 2 to be Section 3 and adding the following new Section 2:

SECTION 2: Tennessee Code Annotated, Title 39, is amended by adding a new, appropriately numbered section:

Section _____. In lieu of any criminal penalties imposed by Tennessee Code Annotated, Section 39-14-105, for theft offenses, any employee of a retail merchant who willfully takes possession of merchandise from such retail merchant with the intent to convert the merchandise to personal use without paying the purchase price shall be subject to civil liability should the merchant prevail as follows:

(a) An amount three (3) times the listed retail price of the merchandise taken if the merchant does not recover the merchandise.

(b) An amount three (3) times the difference between the value of the damaged merchandise and the value of the merchandise prior to the conversion if the merchant recovers the merchandise but it is in a damaged state.

(c) An amount twice the listed retail price of the merchandise if the merchant recovers the merchandise in the same condition it was in prior to the conversion.

On motion, Amendment No. 1 was adopted.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 2 as follows:

Amendment No. 2

Amend House Bill No. 2368 by adding the following as an appropriately lettered new subsection to the amendatory language of Section ____ of SECTION 1 and SECTION 2 as amended by Senate Judiciary Committee Amendment 1:

() If a written agreement is entered into between the merchant and the person responsible for damages and penalties pursuant to this section concerning the liability of such person and the payment of such damages and

MONDAY, APRIL 9, 1990 -- EIGHTY-EIGHTH LEGISLATIVE DAY

penalties, the agreement and the contents thereof shall remain confidential as long as the parties to such agreement continue to adhere to its terms.

On motion, Amendment No. 2 was adopted.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 2368 by adding the following new subsection to the amendatory language of Section ___ of SECTION 1 as amended by Senate Judiciary Committee Amendment 1:

() The civil remedy conferred upon merchants by the provisions of this section shall not apply if the listed retail price of the merchandise taken was in excess of five hundred dollars (\$500).

FURTHER AMEND by designating the existing language of Section ___ of SECTION 2 as amended by Senate Judiciary Committee Amendment 1 as subsection (a) and by adding to such section the following new subsection (b):

(b) The civil remedy conferred upon merchants by the provisions of this section shall not apply if the listed retail price of the merchandise taken was in excess of five hundred dollars (\$500).

On motion, Amendment No. 3 was adopted.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 4 as follows:

Amendment No. 4

Amend House Bill No. 2368 by deleting the following as an appropriately lettered new subsection to the amendatory language of Section ___ of SECTION 1 and SECTION 2 as amended by Judiciary Committee Amendment 1:

() Use of the civil remedy conferred upon merchants by the provisions of this section shall not be construed to be a violation of Tennessee Code Annotated, Section 39-16-604, prohibiting the compounding of an offense.

On motion, Amendment No. 4 was adopted.

Rep. R. Jones moved that Amendment No. 5 be withdrawn, which motion prevailed.

MONDAY, APRIL 9, 1990 -- EIGHTY-EIGHTH LEGISLATIVE DAY

Rep. R. Jones moved that House Bill No. 2368 be passed on third and final consideration.

Rep. Rhinehart moved the previous question, which motion prevailed.

Thereupon, Rep. R. Jones moved that House Bill No. 2368, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	2

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Givens, Good, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 94.

Representatives voting no were: Gunnels, McAfee -- 2.

A motion to reconsider was tabled.

House Bill No. 2545 -- Assessors -- Revises procedures for property tax assessments. Amends TCA, Title 67, Ch. 1, Pts. 10, 11.

Rep. R. Jones moved that House Bill No. 2545 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill 2545 by deleting Sections 1 through 9 in their entirety; by substituting instead the following; and by renumbering the subsequent section accordingly:

SECTION 1. Tennessee Code Annotated, Section 67-1-1005 is amended by designating the existing subsection (a) as subdivision (a)(1) and by adding the following new subdivisions:

(a)(2)(A) Notwithstanding the provisions of

MONDAY, APRIL 9, 1990 -- EIGHTY-EIGHTH LEGISLATIVE DAY

subdivision (a)(1), in any county having a population in excess of seven hundred thousand (700,000) according to the 1980 federal census of population or any subsequent federal census, all assessors are authorized to back assess or reassess all property which by mistake of law or fact has not been assessed as provided in Tennessee Code Annotated, Section 67-1-1001(a) and (b). Such back assessments or reassessments shall be made for the particular year for which the assessor is acting and for the previous one year. However, in all cases where the taxpayer failed to file a personal property schedule or has committed fraud upon the county, then such back assessments or reassessments shall be made for the particular year for which the assessor is acting and for the previous three (3) years. It is hereby made the duty of such assessors, in all cases where property has not been assessed but on which taxes ought to be or ought to have been paid by law, immediately to back assess or reassess the same, and certify to the trustee or municipal collector the back assessment or reassessment, and the appropriate collector shall collect the tax based upon such certification.

(a)(2)(B) If the taxpayer does not object to the back assessment, after the citation issues, then the penalty and costs imposed by Tennessee Code Annotated, Section 67-1-1008(a) shall not be invoked if the tax bill is paid within ten (10) days. Should said tax payment not be made within said ten (10) day period, then the penalty and costs provided for in Tennessee Code Annotated, Section 67-1-1008(a) shall be imposed.

(a)(2)(C) Appeals from the final decisions on back assessments by the county assessor may be taken to the state board of equalization as provided by Tennessee Code Annotated, Section 67-5-1503.

On motion, Amendment No. 1 was adopted.

Rep. Williams moved to amend as follows:

Amendment No. 2

Amend House Bill No. 2545 by deleting amendatory Section 1 of the amendment and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-1-1005, is amended by adding the following new subsection:

() Notwithstanding contrary provisions of law, in any county having a population in excess of seven

MONDAY, APRIL 9, 1990 -- EIGHTY-EIGHTH LEGISLATIVE DAY

hundred thousand (700,000) according to the 1980 federal census of population or any subsequent federal census, the assessor of property is authorized to make back assessments or reassessments of property as defined in Section 67-1-1001. Such back assessments or reassessments must be made within the time otherwise permitted by general law for back assessments and reassessments. Penalty and cost pursuant to Section 67-1-1008 shall be waived on any undisputed taxes resulting from a back assessment or reassessment, if such undisputed taxes are paid within thirty (30) days after notice of the back assessment or reassessment is sent to the taxpayer. Any portion of such taxes which are appealed shall accrue penalty and cost regardless when paid, unless the taxpayer prevails in the appeal. Penalty and cost may not be waived when the back assessment or reassessment results from actual fraud or fraudulent misrepresentation of the property owner or his agent, or from collusion between the property owner or his agent and the assessor. Any person aggrieved by any back assessment or reassessment may appeal directly to the state board of equalization within forty-five (45) days from receipt of the citation or notice of back assessment or reassessment and may be assisted or represented in the appeal as provided in Tennessee Code Annotated, Section 67-5-1514.

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. R. Jones moved that House Bill No. 2545, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	85
Noes.	9

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Gaia, Givens, Good, Gunnels, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, Wheeler, Williams, Winningham, Wix, Wood, Yelton, Mr. Speaker Murray -- 85.

Representatives voting no were: Chiles, Cole, Halteman, McAfee, Odom, Stamps, West, Whitson, Wolfe -- 9.

MONDAY, APRIL 9, 1990 -- EIGHTY-EIGHTH LEGISLATIVE DAY

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. DeBerry moved to suspend Rule No. 17 for the passage on a supplemental consent calendar of all congratulatory and memorializing resolutions properly lying on the desk, which motion prevailed.

CONSENT CALENDAR

House Resolution No. 0176 -- Memorials, Interns -- Commends
Pamela Scott, 1990 legislative intern. by *West.

Introduced; placed on supplemental consent calendar.

House Resolution No. 0177 -- Memorials, Condolence -- Honors
memory of Paul Hubert "Doc" Kuhn. by *Holt.

Introduced; placed on supplemental consent calendar.

House Resolution No. 0178 -- Memorials, Condolence -- Honors
memory of William D. Clark. by *Holt, *Crain.

Introduced; placed on supplemental consent calendar.

House Resolution No. 0179 -- Memorials, Personal Achievement --
Honors Heather Seise, 1990 Salutatorian of Franklin Road Christian
School. by *Hobbs, *Bragg.

Introduced; placed on supplemental consent calendar.

House Resolution No. 0180 -- Memorials, Personal Achievement --
Honors Amy Catherine Cooper, valedictorian of Middle Tennessee
Christian School. by *Hobbs, *Bragg.

Introduced; placed on supplemental consent calendar.

House Resolution No. 0181 -- Memorials, Personal Achievement --
Honors Amy Johnson, 1990 Valedictorian of Franklin Road Christian
School. by *Hobbs, *Bragg.

Introduced; placed on supplemental consent calendar.

House Resolution No. 0182 -- Memorials, Personal Achievement --
Honors Rhonda Michelle Wright, 1990 Salutatorian of Middle
Tennessee Christian School. by *Hobbs, *Bragg.

Introduced; placed on supplemental consent calendar.

House Resolution No. 0183 -- Memorials, Personal Achievement --
Honors Loria Ballard, 1990 Salutatorian of Franklin Road Christian
School. by *Hobbs, *Bragg.

Introduced; placed on supplemental consent calendar.

MONDAY, APRIL 9, 1990 -- EIGHTY-EIGHTH LEGISLATIVE DAY

House Resolution No. 0184 -- Memorials, Sports -- Honors Coach Howard Smith and Mitchell High School girls' basketball team. by *Turner L.

Introduced; placed on supplemental consent calendar.

House Resolution No. 0185 -- Memorials, Sports -- Honors Coach Sylvester Ford and Fairley High School boys' basketball team. by *Turner L.

Introduced; placed on supplemental consent calendar.

House Resolution No. 0186 -- Memorials, Interns -- Honors Lee Duke, 1990 legislative intern. by *Dixon, *Pruitt, *Starnes.

Introduced; placed on supplemental consent calendar.

House Resolution No. 0187 -- Memorials, Interns -- Honors Edward Davis, Jr. 1990 legislative intern. by *Pruitt, *Starnes, *Dixon.

Introduced; placed on supplemental consent calendar.

House Resolution No. 0188 -- Memorials, Interns -- Honors Holly K. Herndon, 1990 legislative intern. by *Williams K.

Introduced; placed on supplemental consent calendar.

House Resolution No. 0189 -- Memorials, Interns -- Honors Kayce Lynn Evans, 1990 legislative intern. by *Starnes.

Introduced; placed on supplemental consent calendar.

House Joint Resolution No. 0874 -- Memorials, Retirement -- Honors Josephine Jackson on retirement as Gibson County Court Clerk. by *Davis Ray.

Introduced; placed on supplemental consent calendar.

House Joint Resolution No. 0875 -- Memorials, Recognition -- Honors Dr. James Theodore Jackson. by *DeBerry.

Introduced; placed on supplemental consent calendar.

House Joint Resolution No. 0876 -- Memorials, Recognition -- Commends Rudy Cerrito for success as chef and restaurateur. by *Kent.

Introduced; placed on supplemental consent calendar.

House Joint Resolution No. 0877 -- Memorials, Professional Achievement -- Commends George Carros for expertise as restaurateur. by *Kent.

Introduced; placed on supplemental consent calendar.

MONDAY, APRIL 9, 1990 -- EIGHTY-EIGHTH LEGISLATIVE DAY

House Joint Resolution No. 0878 -- Memorials, Recognition --
Commends Lavergne High School anti-drug program. by *Hobbs.

Introduced; placed on supplemental consent calendar.

House Joint Resolution No. 0879 -- Memorials, Interns --
Commends Leslie Robyn Harris, 1990 legislative intern. by *Cain.

Introduced; placed on supplemental consent calendar.

House Joint Resolution No. 0880 -- Memorials, Public Service --
Congratulates David Haines, State Election Coordinator on a job well done. by *Stamps.

Introduced; placed on supplemental consent calendar.

House Joint Resolution No. 0881 -- Memorials, Sports -- Honors
Coach Charlene Mason and Beech High School girls' basketball team.
by *Wix, *Stamps.

Introduced; placed on supplemental consent calendar.

House Joint Resolution No. 0882 -- Memorials, Personal Occasion
-- Celebrates 92nd birthday of F. Burns Dunn. by *Wix.

Introduced; placed on supplemental consent calendar.

House Joint Resolution No. 0883 -- Memorials, Sports -- Honors
Coach Billy "Boots" Scott and Beech High School boys' basketball
team. by *Wix, *Stamps.

Introduced; placed on supplemental consent calendar.

House Joint Resolution No. 0884 -- Memorials, Personal
Achievement -- Congratulates Shonda Lee Humphreys, Miss Black
Tennessee 1990. by *Ridgeway, *DeBerry, *Dixon.

Introduced; placed on supplemental consent calendar.

House Joint Resolution No. 0885 -- Memorials, Interns --
Commends John L. Rutherford, 1990 legislative intern. by *Naifeh.

Introduced; placed on supplemental consent calendar.

House Joint Resolution No. 0887 -- Memorials, Public Service --
Recognizes Charles E. Peavyhouse for contributions to community and
state. by *McAfee, *Starnes, *Wood, *Copeland, *Robinson C B,
*Turner B.

Introduced; placed on supplemental consent calendar.

House Joint Resolution No. 0888 -- Memorials, Retirement --
Commends Ersabelle Price Messamore. by *Severance, *Bittle, *Davis
J K, *Burchfield, *Scruggs, *Peroulas.

MONDAY, APRIL 9, 1990 -- EIGHTY-EIGHTH LEGISLATIVE DAY

Introduced; placed on supplemental consent calendar.

House Joint Resolution No. 0889 -- Memorials, Personal Achievement -- Honors Linda Biggers, 1990 Valedictorian of Palmersville High School. by *Herron.

Introduced; placed on supplemental consent calendar.

House Joint Resolution No. 0890 -- Memorials, Personal Achievement -- Honors Johnna Morgan, 1990 Salutatorian of Palmersville High School. by *Herron.

Introduced; placed on supplemental consent calendar.

House Joint Resolution No. 0891 -- Memorials, Personal Achievement -- Honors Kathy Drewry, 1990 Valedictorian of Greenfield High School. by *Herron.

Introduced; placed on supplemental consent calendar.

House Joint Resolution No. 0892 -- Memorials, Personal Achievement -- Honors Joy Reddick, 1990 Salutatorian of Greenfield High School. by *Herron.

Introduced; placed on supplemental consent calendar.

House Joint Resolution No. 0893 -- Memorials, Sports -- Honors Chris Nanney, star Westview High School football player. by *Herron.

Introduced; placed on supplemental consent calendar.

House Joint Resolution No. 0894 -- Memorials, Sports -- Honors Mike Sherrill, star Martin Westview High School football player. by *Herron.

Introduced; placed on supplemental consent calendar.

House Joint Resolution No. 0895 -- Memorials, Sports -- Honors James McKenzie, star McKenzie High School football player. by *Herron.

Introduced; placed on supplemental consent calendar.

House Joint Resolution No. 0896 -- Memorials, Sports -- Honors Tara Tansil, All-State Greenfield High School basketball player. by *Herron.

Introduced; placed on supplemental consent calendar.

House Joint Resolution No. 0897 -- Memorials, Sports -- Honors Coach Randy Frazier and Gleason High School girls' basketball team. by *Herron.

Introduced; placed on supplemental consent calendar.

MONDAY, APRIL 9, 1990 -- EIGHTY-EIGHTH LEGISLATIVE DAY

House Joint Resolution No. 0898 -- Memorials, Sports -- Honors Coach Phil Meeks, Coach of Dresden High School boys' and girls' basketball teams. by *Herron.

Introduced; placed on supplemental consent calendar.

House Joint Resolution No. 0899 -- Memorials, Sports -- Honors Coach Phil Meeks and Dresden High School girls' basketball team. by *Herron.

Introduced; placed on supplemental consent calendar.

House Joint Resolution No. 0900 -- Memorials, Sports -- Honors Coach Phil Meeks and Dresden High School boys' basketball team. by *Herron.

Introduced; placed on supplemental consent calendar.

Senate Joint Resolution No. 0580 -- Memorials, Interns -- Recognizes Wendy Trent-Carrington, 1990 legislative intern.

Introduced; placed on supplemental consent calendar.

Senate Joint Resolution No. 0581 -- Memorials, Interns -- Honors Katie Ann Lafever, 1990 legislative intern.

Introduced; placed on supplemental consent calendar.

Senate Joint Resolution No. 0583 -- Memorials, Condolence -- Honors memory of Downing Pryor.

Introduced; placed on supplemental consent calendar.

Senate Joint Resolution No. 0585 -- Memorials, Retirement -- Honors retirement of Charles O. McPherson.

Introduced; placed on supplemental consent calendar.

Senate Joint Resolution No. 0586 -- Memorials, Retirement -- Honors retirement of Judge William H. Williams.

Introduced; placed on supplemental consent calendar.

Senate Joint Resolution No. 0587 -- Memorials, Retirement -- Honors retirement of Judge William W. O'Hearn.

Introduced; placed on supplemental consent calendar.

Senate Joint Resolution No. 0588 -- Memorials, Retirement -- Honors retirement of Judge Buford E. Wells.

Introduced; placed on supplemental consent calendar.

Senate Joint Resolution No. 0595 -- Memorials, Sports -- Honors Coach Michael Seals and Sequatchie High School boys' basketball

MONDAY, APRIL 9, 1990 -- EIGHTY-EIGHTH LEGISLATIVE DAY.

team, TSSAA region 4 A champs.

Introduced; placed on supplemental consent calendar.

Senate Joint Resolution No. 0605 -- Memorials, Retirement -- Commends James A. "Bubba" Blackwell on his retirement as criminal court clerk.

Introduced; placed on supplemental consent calendar.

Senate Joint Resolution No. 0609 -- Memorials, Congratulations -- Congratulates Autumn Ford on joining National Junior Honor Society.

Introduced; placed on supplemental consent calendar.

Pursuant to Rule No. 50, Rep. DeBerry moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, that all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.	98
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 98.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Naifeh moved to suspend Rule No. 17 so that all congratulatory and memorializing resolutions properly lying on the desk be referred to the Calendar and Rules Committee and placed on the next consent calendar, which motion prevailed.

MONDAY, APRIL 9, 1990 -- EIGHTY-EIGHTH LEGISLATIVE DAY

HOUSE JOINT RESOLUTION REFERRED

Rep. Buck moved that House Joint Resolution No. 757 be recalled from the Judiciary Committee and referred to the Calendar and Rules Committee, which motion prevailed.

INTRODUCTION OF RESOLUTIONS

*House Resolution No. 0171 -- House of Representatives -- Adopts Ethics Code for House of Representatives. by *Naifeh, *Chiles, *DeBerry, *Kisber, *Robinson (Washington).

Introduced and held on the Clerk's desk.

*House Joint Resolution No. 0871 -- General Assembly, Studies -- Creates special joint committee to study simplification of voter registration process. by *Dixon, *Pruitt.

The Speaker referred House Joint Resolution No. 871 to the Calendar and Rules Committee.

RULES SUSPENDED

Rep. Naifeh moved to suspend Rule No. 44 so that the following bills properly lying on the desk be introduced, passed first consideration, which motion prevailed as follows:

House Bill No. 2688 -- Whiteville -- Revises charter relative to certain officials. Amends Chapter 280, Acts of 1901, as amended. by *Stallings.

House Bill No. 2689 -- Somerville -- Revises charter, Amends Chapter 409, Acts of 1901, as amended by *Stallings.

House Bill No. 2691 -- Charlotte -- Expands municipal borrowing powers. Amends 154, Private Acts of 1955, as amended. by *Jackson.

House Bill No. 2692 -- Milan -- Requires mayor and aldermen to hold monthly meetings; provides for run off elections. Amends Chapter 458 of the Acts of 1901, as amended. by *Davis Ray.

House Bill No. 2693 -- Columbia -- Revises charter. Amends Chapter 380, Private Acts of 1972, as amended. by *Napier.

House Bill No. 2694 -- Kingston -- Revises charter. Amends Chapter 328 of the Acts of 1903, as amended. by *Henry Jim.

House Bill No. 2695 -- Housing -- Clarifies definition of "multi-family residential units" for projects of certain housing facilities. Amends TCA, Title 48, Ch. 3, Pt. 3. by *Dixon, *King, *DeBerry.

MONDAY, APRIL 9, 1990 -- EIGHTY-EIGHTH LEGISLATIVE DAY

House Bill No. 2696 -- Weakley County -- Increases base salary of general sessions judge in 1994. by *Herron, *Pinion.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred to committee or held on the Clerk's desk as noted.

***House Bill No. 2685 -- Election Laws --** Passed second consideration and referred to the Finance, Ways and Means Committee.

House Bill No. 2686 -- McNairy County -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 2687 -- Bond Issues -- Passed second consideration and referred to the Finance, Ways and Means Committee.

House Bill No. 2690 -- South Pittsburg -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

DELAYED BILLS REFERRED

Pursuant to Rule No. 78, House Bill(s) No(s). 2685 and 2687, was/were referred to the Delayed Bills Committee.

REPORT OF DELAYED BILLS COMMITTEE

April 9, 1990

Pursuant to Rule No. 78, as suspended, having received the approval of the local delegation, we the undersigned members of the Delayed Bills Committee have approved the following general bill of local application to be heard by the appropriate standing committee: House Bill No. 2685.

Ed Murray, Speaker
Jimmy Naifeh
John Chiles, Jr.

REPORT OF DELAYED BILLS COMMITTEE

April 9, 1990

Pursuant to Rule No. 78, as suspended, having received the approval of the local delegation, we the undersigned members of the Delayed Bills Committee have approved the following general bill of local application to be heard by the appropriate standing committee: House Bill No. 2687.

Ed Murray, Speaker
Jimmy Naifeh
John Chiles, Jr.

MONDAY, APRIL 9, 1990 -- EIGHTY-EIGHTH LEGISLATIVE DAY

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 2063: Rep(s). Henry (Roane) added as prime sponsor(s).

House Bill No. 2336: Rep(s). Burchfield changed from sponsor to the prime sponsor.

REQUESTS TO BE ADDED AS SPONSORS

The following members requested to add their names as sponsors as indicated below, the prime sponsor having agreed to such addition. Sponsorship was not granted since request was made after passage of said bill.

House Bill No. 1683: Rep(s). Williams as prime sponsor(s).

ADJOURNMENT MOTION

Rep. Moody moved to adjourn until 10:00 a.m. on Wednesday April 11, 1990, which motion prevailed.

BILLS RESET

Pursuant to Rule No. 49, House Bill(s) No(s). 2282 and 671; also, House Joint Resolution(s) No(s). 853, 7 and 6 were reset to the head of the Calendar for Wednesday, April 11, 1990.

MESSAGE FROM THE SENATE

April 9, 1990

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 589, 592, 593, 613, 622, 623, 626, 627 and 628; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Joint Resolution No. 0589 -- Memorials, Sports -- Honors Coach Lisa Caudle Hutchins and South Side High School girls' basketball team.

Senate Joint Resolution No. 0592 -- Memorials, Sports -- Congratulates Warren County Senior High School Varsity Cheerleaders upon winning national cheerleading championship.

MONDAY, APRIL 9, 1990 -- EIGHTY-EIGHTH LEGISLATIVE DAY

Senate Joint Resolution No. 0593 -- Memorials, Retirement -- Honors Judge Jack R. Musick on retirement as Circuit Judge of First Judicial District.

Senate Joint Resolution No. 0613 -- Memorials, Public Service -- Honors Raleigh Community Council for service to community.

Senate Joint Resolution No. 0622 -- Naming and Designating -- Designates Tuesday, April 17, 1990, Eugene L. Joyce Day.

Senate Joint Resolution No. 0623 -- Memorials, Sports -- Honors Jennifer Azzi for basketball accomplishment.

Senate Joint Resolution No. 0626 -- Memorials, Sports -- Honors Grundy County High School boys' and girls' basketball teams.

Senate Joint Resolution No. 0627 -- Memorials, Sports -- Honors Central High School boys' and girls' basketball teams.

Senate Joint Resolution No. 0628 -- Memorials, Sports -- Honors Meigs County High School Lady Tigers basketball team.

REPORT OF COMMITTEE ON CALENDAR AND RULES

CONSENT CALENDAR

April 9, 1990

MR. SPEAKER: The officers of your Calendar and Rules Committee beg leave to report that we have set the following bill(s) and/or resolution(s) on the Consent Calendar for Wednesday, April 11, 1990: Senate Joint Resolution(s) No(s). 589, 592, 593, 613, 622, 623, 626, 627 and 628.

PHILLIPS, Chairman.

MESSAGE FROM THE SENATE

April 9, 1990

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 834; concurred in by the Senate.

**CLYDE W. McCULLOUGH, JR.,
Chief Clerk.**

ENGROSSED BILLS

April 9, 1990

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 1758; also, House Joint Resolution(s) No(s). 599; and find same correctly engrossed and ready for transmission to the Senate.

**BETTY KAY FRANCIS,
Chief Engrossing Clerk.**

MONDAY, APRIL 9, 1990 -- EIGHTY-EIGHTH LEGISLATIVE DAY

ENGROSSED BILLS

April 9, 1990

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 1701, 1727 and 1832; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

ENGROSSED BILLS

April 9, 1990

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 2627, 2628, 2676 and 2678; also, House Joint Resolution(s) No(s). 665, 743, 770, 783, 855, 856, 857, 858, 859, 861, 862, 864, 865, 868 and 870; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

ENGROSSED BILLS

April 9, 1990

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 2677 and 2684; also, House Joint Resolution(s) No(s). 863, 866, 867, 869, 872 and 873; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 9, 1990

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1806; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

April 9, 1990

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 798, 799, 800, 801, 802, 803, 806, 807, 808,

MONDAY, APRIL 9, 1990 -- EIGHTY-EIGHTH LEGISLATIVE DAY

809, 810 and 816; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENGROSSED BILLS
April 9, 1990

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Joint Resolution(s) No(s). 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899 and 900; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
April 9, 1990

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2350; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
April 9, 1990

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1917, 2391, 2392, 2685, 2692, 2697 and 2700; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

***Senate Bill No. 1917 -- Drugs -- Prohibits prescribing amphetamine drugs for weight control. Amends TCA, Title 53, Ch. 10.**

Senate Bill No. 2391 -- Bond Issues -- Authorizes \$141,400,000 bond issue for certain purposes; cancels certain bonds.

Senate Bill No. 2392 -- Appropriations -- Makes appropriations to defray the expenses of state government for fiscal year beginning July 1, 1990.

Senate Bill No. 2685 -- Election Laws -- Requires only computer printout at polling place in lieu of both printout and duplicate registration records if requested by resolution of county legislative body of Lauderdale County. Amends TCA 2-5-216.

MONDAY, APRIL 9, 1990 -- EIGHTY-EIGHTH LEGISLATIVE DAY

Senate Bill No. 2692 -- County Government -- Authorizes Smith County highway department to be located outside of county town, if county legislative body approves. Amends TCA, Title 5, Ch. 7.

*Senate Bill No. 2697 -- Election Laws -- Provides printout containing names and addresses of all eligible voters and space for signature at each polling place in Gibson County. Amends TCA 2-5-216.

*Senate Bill No. 2700 -- Election Laws -- Requires only computer printout at polling place in lieu of both printout and duplicate registration records if requested by resolution of county legislative body of Carroll or Weakley County. Amends TCA 2-5-216.

MESSAGE FROM THE SENATE

April 9, 1990

MR. SPEAKER: I am directed to return to the House, House Bill No. 2166.

The Senate refused to recede from its action in adopting Amendment(s) No(s): 1.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

April 9, 1990

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 1902.

The Senate concurred in House Amendment(s) No(s). 1 and 2, and nonconcurred in House Amendment(s) No(s). 3.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

April 9, 1990

MR. SPEAKER: I am directed to return to the House, House Bill No. 1850.

The Senate lifted the tabling motion, reconsidered passage of the bill, reconsidered adoption of Amendment No. 13, withdrew Amendment No. 13, then repassed the bill on third and final consideration, as amended.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MONDAY, APRIL 9, 1990 -- EIGHTY-EIGHTH LEGISLATIVE DAY

MESSAGE FROM THE SENATE

April 9, 1990

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 112.

The Senate nonconcurred in House Amendment(s) No(s). 2 and 3.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

April 9, 1990

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 957.

The Senate refused to recede from its action in nonconcurring in House Amendment(s) No(s). 1 and 2.

The Speaker appointed a Conference Committee composed of Senators Davis, Kyle and Henry to confer with a like Committee from the House to resolve the differences of the two bodies on Senate Bill No. 957.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ADJOURNMENT

Pursuant to Rep. Moody's motion, the House adjourned until 10:00 a.m., Wednesday, April 11, 1990.